



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/419,749	10/16/99	DEFFLER	T 22074661-255

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NEW YORK NY 10022

TM02/1121

EXAMINER

COLBERT, E

ART UNIT

PAPER NUMBER

2172

DATE MAILED:

11/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/419,749

Applicant(s)

Deffler et al

Examiner

Ella Colbert

Group Art Unit

2172



☒ Responsive to communication(s) filed on Sep 5, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-5 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-5 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

***Response to Amendment***

1. Claims 1-5 are pending. Claims 1, 3, and 5 are independent claims.
2. Applicants' response on 08 September 2000 to the Office Action has been entered as Amendment A, paper number 11.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US 5,737,592), hereafter Nguyen.

With respect to claim 1, analyzing a macro language expression (**column 4, lines 25-52**), determining based on predetermined syntax of a macro language expression (**column 8, lines 1-33, column 10, lines 7-27, and column 11, lines 1-40**) one or more key words in the analyzed macro language expression ... (**column 6, lines 7-14**), the key word represents a new macro command ... (**column 6, lines 15-56**), retrieving a code associated with the keyword from a registry of keywords (**column 5, lines 4-23 and column 10, lines 7-27**), executing a code associated with a keyword (**column 6, lines 58-67**). Nguyen did not teach, a registry of

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keywords, but it would have been obvious at the time the invention was made to one having ordinary skill in the art of keywords to have a registry of keywords because it is well known in the art that the C language itself has a registry of 33 keywords with the keywords being used in the source code and compiling of the macro language.

With respect to claim 2, extending the registry of keywords by inserting a new keyword representing a new macro command and a code ... (**column 8, lines 1-17**).

With respect to claims 3, a parser having a predefined syntax determining one or more extended keywords embedded within a macro language expression, ... (**column 15, lines 47-59**), a keyword repository having one or more keywords and one or more associated codes (**column 12, lines 11-65**). Nguyen did not teach, a macro handler coupled to the parser for receiving an extended keyword from the parser, the macro handler responding to the received extended keyword, retrieving a code associated with the received extended keyword from the keyword repository and executing the code to run the macro command represented by the extended keyword, but it would have been obvious at the time the invention was made to a person having ordinary skill in the art of extended keywords to have a parser and code associated with the extended keywords because the parser receives the keyword first, then parses the expression and the macro handler in response saves the previous contents of the processor registers (keywords) during execution of the main program with the user selecting the functions and submitting the macro command to run the code associated with the keywords with a prefix symbol.

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With respect to claim 4, a keyword repository augmented to include one or more new keywords and one or more associated codes (**column 8, lines 18-67 and column 9, lines 1-39**).

With respect to independent claim 5, this claim is rejected on grounds corresponding to the reason given above for rejected independent claim 1. Applicant's claim 5 has a method for parsing a macro language expression with steps corresponding to the method in rejected claim 1.

***Response to Arguments***

5. Applicant's arguments filed 09/07/00 have been fully considered but they are not persuasive.

As per Applicants' argument regarding, "Nguyen et al's macro language not disclosing or suggesting extending the SQL language itself by defining new SQL commands or how its macro language file interpreter handles a new command unknown to the interpreter encountered in its macro language," have been carefully considered but are not deemed persuasive based on the Applicants' arguments of the invention of the Specification, not the specifics of the claims. In particular, "extending the SQL language itself by defining new SQL commands" or how "its macro language file interpreter handles a new command unknown to the interpreter encountered in its macro language" are not limitations of independent claims 1, 3, and 5.

As per Applicants' argument regarding "the keyword extending a new macro command not previously defined in the macro language" has been carefully considered but the "new macro" claim limitation of claims 1 and 5 is considered "moot" because of Applicants' amendment.

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As per Applicants' argument regarding "the code associated with the keyword" has been carefully considered but is not deemed persuasive. The Examiner interprets Nguyen's teaching of "the code associated with the keyword" as being in column 6, lines 50-67, column 7, lines 59-67, and column 8, lines 1-25. The Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the Specification (*In re Prater*, 162 USPQ 541, 550-51 (CCPA 1969)).

Under section 103 (a) of Title 35 of the United States Code, the Examiner carefully drew up a correspondence between each of Applicants' claimed limitations, what is known to one having ordinary skill in the art at the time the invention was made, and one or more referenced passages in Nguyen. By failing to address this column-by-column and line-by-line correspondence, the Applicants' have failed to rebut the Examiner's *prima facie* case of obviousness.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Canady et al (5,742,828) taught application programs responding to commands in a user composed file (sometimes referred to as a macro) column 1, lines 63-66.

Haley et al (5,694,539) taught parsing and expression structures.

Andrews et al (6031,993) taught using macros and source language code.

Bentley et al (5,815,415) taught macro language, parsing, and keywords.

Brooks et al (5,295,059) taught a macro instruction and macro handler.

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Hyde, Peter, "White Paper: Creating applications with the WebHub VCL," pages 9-11, taught extensible macro language.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **INQUIRIES**

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ms. Ella Colbert whose telephone number is (703) 308-7064. The Examiner can normally be reached Monday through Thursday from 6:30 a.m. to 3:00 p.m. EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kim Vu, can be reached on (703)305-4393.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

**Or faxed to:**

(703)308-9051, (for formal communications intended for entry).

**Or:**

(703)308-5403 (for informal or draft communications, please label

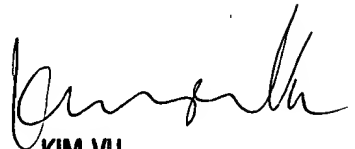
**"PROPOSED" or "DRAFT").**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, Virginia., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group Receptionist whose telephone number is (703)308-9600.

Colbert

November 16, 2000

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2106